

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF AMENDMENT
17.8.501, 17.8.505, and 17.8.514 )	
pertaining to definitions, air quality )	
operation fees, and open burning fees )	(AIR QUALITY)

TO: All Concerned Persons

1. On June 22, 2006, the Board of Environmental Review published MAR Notice No. 17-248 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 1504, 2006 Montana Administrative Register, issue number 12.

2. The board has amended the rules exactly as proposed.

3. The following comment was received and appears with the board's response:

COMMENT NO. 1: A commenter representing the Montana Industry Clean Air Act Coalition (coalition) commented that the proposed amendments represent a continuing good-faith effort by the department to balance program costs and responsibilities under applicable Montana statutes. The coalition believes that the department should have the funds necessary to perform its core air quality permitting and compliance functions in a thorough and timely way. However, the coalition also believes that, by accommodating other demands, the department often stretches its resources and negatively affects the achievement of its core mission. The coalition supports the proposed amendments but believes that the fee rules should be reviewed regularly with the fee payers to assure cost-effective use of the funds and to maintain support of the regulated community for the department's work.

RESPONSE NO. 1: The board acknowledges receipt of the comment in support of the proposed amendments and encourages the department to work with members of the regulated community in developing the annual fee rule amendments.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ David Rusoff  
DAVID RUSOFF  
Rule Reviewer

/s/ Joseph W. Russell  
JOSEPH W. RUSSELL, M.P.H.  
Chairman

Certified to the Secretary of State, September 25, 2006.